

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA and	)	
STATE OF NEW MEXICO,	)	
<i>ex rel.</i> SALLY HANSEN,	)	11-cv-566 WPL/CG
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
DEMING HOSPITAL CORPORATION,	)	
et al.,	)	
	)	
Defendants.	)	

**ORDER UNSEALING CASE AND DIRECTING SERVICE**

**THIS MATTER** comes before the Court on the *United States' Notice of Election to Decline Intervention*, (Doc. 20), and the *State of New Mexico's Notice of Election to Decline Intervention*, (Doc. 21). Plaintiff-Relator has brought a *qui tam* action against Defendants pursuant to the federal False Claims Act, 31 U.S.C. § 3729, *et seq.*, the New Mexico Medicaid False Claims Act, N.M.S.A. 1978 § 27-14-1, *et seq.*, and the New Mexico Fraud Against Taxpayers Act, N.M.S.A. 1978 § 44-9-1, *et seq.* Both the United States and the State of New Mexico have declined to intervene in the action. They request that the complaint be unsealed and that Plaintiff-Relator be allowed to pursue the action on their behalf pursuant to 31 U.S.C. § 3730(b)(4)(B); N.M.S.A. 1978 § 44-9-6(F). (Doc. 20; Doc. 21).

**IT IS THEREFORE ORDERED** that:

1. The Complaint be unsealed and served upon the defendants by the relator;

2. This Order and both the United States' and New Mexico's Notice of Election to Decline Intervention shall also be served by the relator upon the defendants along with service of the Complaint;

3. The seal shall be lifted as to all matters occurring in this action from and after the date of this Order, including this Order. All contents of the Court's file in this action filed prior to this Order, except for the Complaint, shall remain under seal and not be made public or served upon the defendants, except that the United States' and New Mexico's Notice of Declination of Intervention shall be served by the relator on defendants as provided in paragraph 2 of this Order;

4. The parties shall serve all pleadings filed in this action upon the United States and the State of New Mexico. The parties shall supply both the United States and the State of New Mexico copies of all deposition transcripts at the United States' and New Mexico's expense, as provided for in 31 U.S.C. § 3730(c)(3) and N.M.S.A. 1978 § 44-9-6(F). In addition, all orders of this Court shall be sent to counsel for the United States and the State of New Mexico.

5. If the relator moves to amend the Complaint or files any other claim under the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3729 *et seq.*, or Fraud Against Taxpayers Act, N.M.S.A. 1978 § 44-9-1, *et seq.*, such filing shall be done under seal pursuant to 31 U.S.C. § 3730(b) and N.M.S.A. 1978 § 44-9-5(B), and both the United States and the State of New Mexico shall have the opportunity to investigate and determine whether to intervene with respect to any such amended complaint or other claim, as provided by 31 U.S.C. § 3730(b); N.M.S.A. 1978 § 44-9-5(C).

6. Pursuant to 31 U.S.C. § 3730(c)(3) and N.M.S.A. 1978 § 44-9-6(F), both the United States and the State of New Mexico shall be entitled to move to intervene in this action at a later time upon a showing of good cause;

7. Should the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court shall solicit the written consent of the United States and the State of New Mexico before ruling or granting its approval.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

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THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE